

Toffel, Melissa

From: Porter, Ruth M <Ruth.M.Porter@wv.gov>
Sent: Wednesday, May 07, 2014 8:34 PM
To: Toffel, Melissa
Subject: FW: LUST # 04-043-WV ID 3-905331 complaint revised
Attachments: 04-043-Bishops Convenience Store 3-906331 complaint 05-06-14 bca.doc

Melissa

See attached complaint for Ernest Martin site and see below the write up by inspector who visited the site.

(b) (7)(A) I have the file on my desk, but it has been a crazy week for me. I will try to call you in the morning or Friday morning if you will be available.

Ruth

Ruth M. Porter
UST Program Manager
WV Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304
Telephone: 304-926-0499 ext. 1007
Fax: 304-926-0457
Ruth.M.Porter@wv.gov

From: Clayton, Merinda M
Sent: Wednesday, May 07, 2014 3:22 PM
To: Hight, Denise A; Porter, Ruth M
Subject: FW: LUST # 04-043-WV ID 3-905331 complaint revised

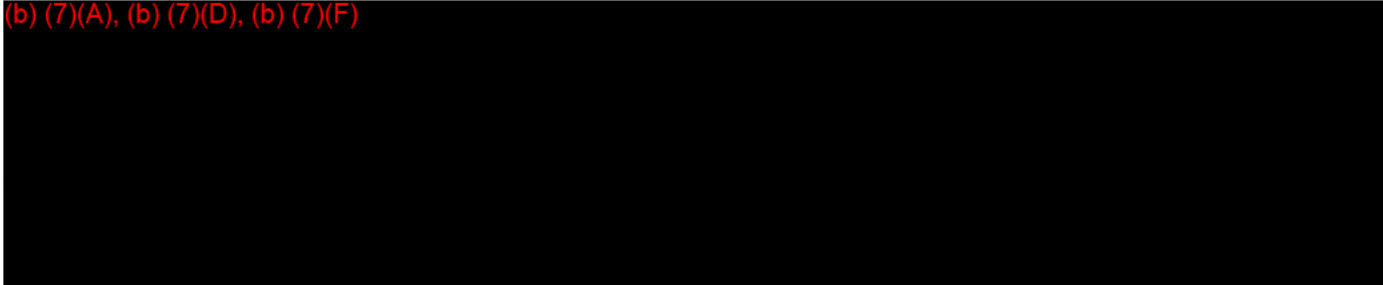
I called Tichnell on my way home Monday evening to give him a heads up on the upcoming visit, and spoke with his wife who said he would be working but she would meet us. She said tanks were gone, but told her I understood piping was still there, and I needed to do an inspection.

Mary Sanders accompanied me on my visit with Mr. Tichnell at Fast Freddy's, UST ID 3905331, yesterday, near Aurora in Preston Co.

We were only very briefly able to look around before meeting up with Mr. Tichnell inside the store and another man he identified as his son, Waylon. From the get-go, he was extremely hostile and very belligerent, as was his son. He informed us we were on video and being recorded. He demanded to see our ID, and once provided, he took cell phone camera pictures of them.

Before we could state our business, he was demanding to know why we were there, did we have a right to be there, went on at length about how he is being harassed by WVDEP, and told us we were trespassing. He refused to allow us to look around, or to take any pictures.

Based on previous photos in inspector file taken by John Killian when he investigated the illegal tank closure a while back and comparing them to what little we did see, and in what little info Tichnell provided, and a subsequent phone call to John Hinkle, here are our findings:

- 1) A retaining wall has been constructed , as you face the bldg., on the left side.
- 2) Down below, workers were installing concrete tank supports for an AST.
- 3) There was a trench dug around the island out front of store, maybe 2 ft wide and 3 ft deep. Dispensers were gone, but I could see piping stubs extending up, of the Ameron variety.
- 4) The wall and bottom of the trench appeared 'clean', and I saw no piping stubs extending out into it.
- 5) Based on these last 2 items, I am of the opinion the old piping has not been removed, yet.
- 6) Mr. Tichnell confirmed he is installing an AST, and that Brooks & Co. (i.e., John Hinkle) is doing the installation.
- 7) Mr. Tichnell stated he was guesstimating he had bought the property possibly mid-2012 from Joseph Martin.
- 8) Mary and I then left, found cell signal, and called John Hinkle. He stated that Mr. Tichnell has contacted the fire marshal and is having Hinkle install new dispensers, AST, and APT piping w/dispenser sumps. AST is due to arrive in a couple weeks or so, and John is to install the sumps prior to its arrival. I questioned him about the existing (UST) piping. He said he knew nothing, that when he got to the site and commenced work, he would find out and let me know. He asked if old piping was still there, what did he want me to do. I told him to inform Mr. Tichnell he was required to contact WVDEP, and that he (Hinkle) was to not remove it until the work was authorized by WVDEP.
- 9) (b) (7)(A), (b) (7)(D), (b) (7)(F)

- 10) As I returned in the direction of home, I stopped at Deerwood, and Mr. Ron Freeman, Owner, was nice enough to allow me to do an impromptu UST inspection. I found only a couple relatively minor issues, that I think will be rectified quickly.

Mary, if I've erred in anything I said, or left something out, please speak up. And thanks again for going with me!!

Rindy



WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ENVIRONMENTAL REMEDIATION

INCIDENT REPORT

(b) (7)(F), (b) (7)(D), (b) (7)(A)



Completed By: Bryan Arthur

Date: 05/06/14

Page 1 of 1



WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ENVIRONMENTAL REMEDIATION